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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/719,641

11/21/2003

Andrew Wason

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EXAMINER

CAO, DIEM K

ART UNIT

PAPER NUMBER

2194

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11/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Office Action Summary</p>	Application No. 10/719,641	Applicant(s) WASON ET AL.	
	Examiner Diem K. Cao	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/21/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


 WILLIAM THOMSON
 SENIOR PATENT EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/21/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 28-31 are presented for examination. Applicant has cancelled claims 1-27 and added claims 28-31.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 28-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 28 recites “a first access system coupled to a first framework which interacts with the first framework; a second access system coupled to a second framework which is not identical to the first framework and which interacts with the second framework; wherein the extension layer provides a uniform, cross-platform, framework-independent interface between the first and second frameworks and the extension module.”, which contains subject matter that is not supported by the specification. The specification seems to disclose an extension layer for extending the functionality of a framework comprising an interface couples to the extending framework, and a second interface couples various extension modules (see Fig. 2 and page 7, line 18 – page 8, line 2), and the extension layer can be adapted to extend other framework, i.e.,

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it is compatible with other frameworks (page 10, lines 13-21). Thus, the specification does not disclose, in any embodiment, that the extension layer comprises two different access systems coupled to two extending frameworks. Therefore, the specification does not disclose “extension layer provides a uniform, cross-platform, framework-independent interface between the first and second frameworks and the extension module”.

Claims 29-30 suffer the same problem as claim 28 above.

Claim 31 recites “An extension layer for accessing and using an ordered file, comprising a first extensible ordered-data flow-based framework; a second extensible ordered-data flow-based framework which is not identical to the first extensible ordered-data flow-based framework, an extension module for an extensible ordered-data flow-based framework containing ordered data, an abstraction layer ... an operating system, wherein the extension layer ... and the extension module”, which is not supported by the specification. The specification seems to disclose an extension layer for extending the functionality of a framework with one or more extension modules comprising an interface couples to the extending framework, and a second interface couples various extension modules (see Fig. 2 and page 7, line 18 – page 8, line 2), and the extension layer can be adapted to extend other framework, i.e., it is compatible with other frameworks (page 10, lines 13-21). Thus, the specification does not disclose, in any embodiment, that the extension layer including in it two different extending frameworks, or the extension module. The invention is an abstraction layer between existing frameworks and existing/developing extension modules. Furthermore, the specification does not disclose “extension layer provides a uniform, cross-platform, framework-independent interface between the first and second frameworks and the extension module” (see discussion in claim 28 above).

4. Claims 28-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 28 recites “a first access system coupled to a first framework which interacts with the first framework; a second access system coupled to a second framework which is not identical to the first framework and which interacts with the second framework; wherein the extension layer provides a uniform, cross-platform, framework-independent interface between the first and second frameworks and the extension module.”, however, the specification discloses an extension layer for extending the functionality of a framework with one or more extension modules comprising an interface couples to the extending framework, and a second interface couples various extension modules (see Fig. 2 and page 7, line 18 – page 8, line 2), and the extension layer can be adapted to extend other framework, i.e., it is compatible with other frameworks (page 10, lines 13-21). The information contained in the disclosure is not sufficient to inform one of skilled in the art how to make and use the claimed invention.

Claim 29-30 suffers the same problem as claim 28 above.

Claim 31 recites “An extension layer for accessing and using an ordered file, comprising a first extensible ordered-data flow-based framework; a second extensible ordered-data flow-based framework which is not identical to the first extensible ordered-data flow-based framework, an extension module for an extensible ordered-data flow-based framework containing ordered data, an abstraction layer ... an operating system, wherein the extension layer

... and the extension module”, however, the specification discloses an extension layer for extending the functionality of a framework with one or more extension modules comprising an interface couples to the extending framework, and a second interface couples various extension modules (see Fig. 2 and page 7, line 18 – page 8, line 2), and the extension layer can be adapted to extend other framework, i.e., it is compatible with other frameworks (page 10, lines 13-21). The information contained in the disclosure is not sufficient to inform one of skilled in the art how to make and use the claimed invention, i.e., create an extension layer that including a first framework, a second framework, an extension module, and an abstraction layer.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 28-31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 28-31 are directed to computer programs, i.e., software per se, which are not physical “things”. They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program’s functionality to be realized. In contrast, a claimed storage computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program

and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory.

Claim Objections

7. Claims 28-31 are objected to because of the following informalities: claim 28 recites "a coupling system for connecting to an extension module for an extensible framework", which is not unclear as whether this "an extensible framework" refers to first framework or the second framework, or a new framework.

Claims 29-31 suffer the same problem as claim 28 above.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apple Computer (QuickTime Technology Brief, hereinafter Apple) in view of Sellers (QuickTime 3.0 – an Overview).**

As to claim 28, Apple teaches an extension layer (QuickTime Media Abstraction layer; pages 7-8) for extending the functionality of a framework (QuickTime-based software application; page 2) which separate from an operating system, comprising:

- a first access system coupled to a first framework which interacts with the first framework (QuickTime ... QuickTime Media Abstraction Layer ... specifies how software tools and applications access the rich set of media support services built into QuickTime; page 2),
- a coupling system for connecting to an extension module for an extensible framework providing access to content or functions of the extension module (QuickTime Media Abstraction Layer ... specifies how to accelerate and extend QuickTime's capabilities through a powerful plug-in framework; page 7),
- wherein the extension layer provides a uniform, cross-platform, interface between the first framework and the extension module (Window platform; page 6, Macintosh platform; page 5 and QuickTime Media Abstraction Layer ... specifies how to accelerate and extend QuickTime's capabilities through a powerful plug-in framework; page 7).

Apple does not explicitly teach a second access system coupled to a second framework which is not identical to the first framework and which interacts with the second framework, and the extension layer provides a framework-independent interface. However, Sellers teaches a second access system (QT 3's software architecture includes the Media Abstraction layer ... without requiring software modifications; page 1) coupled to a second framework (QDesign Music Codec; page 2, section 'QDesign music technology') which is not identical to the first

framework (QuickTime 3.0) and which interacts with the second framework (allow QuickTime developers to access a level of audio fidelity unavailable anywhere else; page 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Sellers to the system of Apple because Sellers teaches how QuickTime integrates current technology into its framework so the provides the users with advance technologies in one framework.

As to claim 29, see rejection of claim 28 above. Apple further teaches a synchronization system for synchronizing data from the extension module (Timing and synchronization, synchronized storage read and write; page 7 and page 2, lines 1-9).

As to claim 30, see rejection of claim 29 above. Apple further teaches a communication system allowing for the transfer of data or instructions between the extension module and an extensible framework (QuickTime Media Abstraction Layer specifies how to accelerate and extend QuickTime's capabilities through a powerful plug-in framework, and Additionally, the QuickTime Media Abstraction layer ensures that ... they become available; page 7, first, second and last paragraphs).

As to claim 31, see rejection of claim 30 above. Apple further teaches the framework is an extensible ordered-data flow-base framework (QuickTime is ... media, developer can extend and enhance the media services accessible through QuickTime; page 2).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K. Cao whose telephone number is (571) 272-3760. The examiner can normally be reached on Monday - Friday, 8:30AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC

November 7, 2007


WILLIAM THOMSON
PATENT EXAMINER